IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P.No.18581 of 2005

Date of Decision: 20 - 9 - 2006

Raman Kumar Sharma **.....Petitioner**

v.

State of Punjab and others **.....Respondents**

CORAM: HON'BLE MR.JUSTICE S.S.SARON
HON'BLE MR.JUSTICE P.S.PATWALIA

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Present: Mr.A.R.Takkar, Advocate
for the petitioner.

Ms.Poonam Josan, AAG, Punjab
for respondents No.1 to 3.

Mr.R.K.Sharma, Advocate
for respondent No.4.

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S.S.SARON, J.

The petitioner who was working as Handloom Expert in the respondent No.4 Corporation aggrieved against his retrenchment from service vide order dated 29.4.2005 (Annexure P-7) filed a revision petition under Section 69 of the Punjab Co-operative Societies Act, 1961 (`Act' for short). The same having been dismissed by the Additional Registrar Co-operative Societies, Punjab (respondent No.3) vide order dated 13.6.2005 (Annexure P-8) he has approached this Court seeking quashing of the same. The Additional Registrar, Co-operative Societies, Punjab, Chandigarh (respondent No.3) dismissed the revision petition filed by the petitioner on the ground that a revision petition straight away does not lie under Section 69 of the Act. Consequently, the Additional Registrar directed the

petitioner to file an appeal before the Board of Directors within 30 days, irrespective of the period of limitation.

The post of Handloom Expert on which the petitioner was working in respondent No.4 Corporation was declared surplus in a meeting of the Board of the Directors held on 30.7.2003 (Annexure P-5). On this account the petitioner was retrenched from service and relieved vide order dated 29.4.2005 (Annexure P-7).

After hearing learned counsel for the parties and giving our thoughtful consideration to the matter, we are of the view that the order passed by the Additional Registrar (respondent No.3) is unsustainable. The services of the petitioner had not been dispensed with as a measure of punishment but he has been retrenched from service on account of the decision taken by the Board of Directors on 30.7.2003. A reading of provisions of Section 68 of the Act, which relates to `appeals' does not show that against an order of retrenchment from service an appeal would lie. Therefore, the reason assigned by the Additional Registrar Co-operative Societies (respondent No.3) while passing the impugned order dated 13.6.2005 (Annexure P-8) that an appeal would lie is not sustainable.

Consequently, the order dated 13.6.2005 (Annexure P-8) is set aside and quashed and the Additional Registrar, Co-operative Societies (respondent No.3) shall decide the matter afresh. The parties shall be entitled to raise all the objections available to them in accordance with law. The parties through their counsel to appear before the Additional Registrar, Co-operative Societies (respondent No.3) on 6.11.2006.

The writ petition stands disposed of in the above terms.

(S.S. SARON)
JUDGE

(P.S.PATWALIA)
JUDGE

September 20, 2006.
RC